HIGH COURT OF JUDICATURE CHHATTISGARH : BILASPUR

DIVISION BENCH

CORAM : HON'BLE SHRI S.R. NAYAK, C.J.
HON'BLE SHRI D.R. DESHMUKH, J.

WRIT PETITION NO. 757 OF 2006

PETITIONER — James Soren, S/o. Late Shri Sylvestor Soren, Aged about 42 years, Occupation-Service, R/o. Railway Qtr No. 656/2 New Loco Colony, Bilaspur (C.G.)

Versus

RESPONDENTS

1. Union of India, Through the Secretary & Ministry of Railway Department, Delhi, India.
2. The Director General, R.P.F. Railway Board, New Delhi, India.
3. The Chief Security Commissioner/R.P.F., South East Railway Garden Reach, Kolkata-43.
4. The Chief Security Commissioner/R.P.F. South East Central Railway, Bilaspur (C.G.)
5. The Divisional Security Commissioner/R.P.F. South East Central Railway, Bilaspur (C.G.)
6. The Central Administrative Tribunal, Jabalpur Bench, through its Chairman, Circuit Sitting at Bilaspur (C.G.)

Present : Shri A.K. Shukla, learned counsel for the petitioner.

(ORAL ORDER)
(Passed on 15th February, 2006)

The following order of the Court was passed by

S.R. Nayak, C.J.

The petitioner's request to allocate him to South Eastern Railway (New) after bifurcation of the previous Railway Zone was not acceded to by the Railway Administration. When that action of the Railway Administration

was assailed before the Central Administrative Tribunal, Jabalpur Bench, by the petitioner by instituting O.A. No.277/2004, the Tribunal by its order dated 11.05.2005 dismissed the application. Hence, this writ petition.

(2) We have heard learned counsel for the petitioner and perused the impugned order as well as other material papers appended to the writ petition. Having heard learned counsel for the petitioner, we are of the considered opinion that this writ petition is devoid of merit. It is pointed out by the learned Tribunal that the petitioner's first preference was South Eastern Railway, whereas his second preference was South East Central Railway at Bilaspur. Since there was not vacancy in the grade of Head Clerk in the South Eastern Railway, his request was not acceded to as per his first preference, but, he was continued in the South East Central Railway as per his second preference. Merely because, the Railway Administration after bifurcation of the previous Railway Zone sought options of the employees, that fact itself would not invest any enforceable legal right in the petitioner to insist that in terms of his first preference, he should have been accommodated in the South Eastern Railway regardless of the fact whether there was vacancy in the post held by him or not in the South Eastern Railway. The writ petition is, therefore, dismissed. No costs.

Sd/-
Chief Justice

Sd/-
Dilip Raosaheb Deshmukh
Judge

Subba